IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.9300 of 2005

Between:

Shaik Mabula, W/o. Late Shaik Bujji Saheb,
R/o. Gangireddypalem, Machavaram Mandal, Guntur District.

...PETITIONER

AND

1. The Circle Inspector of Police, Special Party Police, Guntur, Guntur District.
2. The Superintendent of Police, Guntur District at Guntur.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the son of the Petitioner herein, Viz., Shaik Mohiuddin, RMP Doctor, before this Hon'ble Court, who was illegally taken away by the Special Party Police Personnel of Guntur, Guntur District on 16.04.05, and set him at liberty forthwith.

Counsel for the Petitioner: FAX MESSAGE

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

THE HON'BLE MR JUSTICE GODA RAGHURAM

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.9300 of 2005

ORDER: (Per the Hon'ble Mr Justice Goda Raghuram)

Heard the learned Advocate General.

The Writ Petition is filed complaining of illegal detention of one Shaik Mohiuddin, R.M.P. Doctor allegedly taken into custody without due process of law on 16.04.2005.

A counter-affidavit has been filed by the Sub Inspector of Police, Karampudi Police Station, Guntur District. In para 3, it is stated that the individual was found moving about in suspicious circumstances on 21.04.2005 at 4.30 am around Nagarjunasagar Right Canal bridge on Vinukonda – Karampudi Road. On being accosted, he was found in possession of explosive substances. He was arrested at about 5.30 am on 21.04.2005, brought to the Police Station at 7.00 am and registered a case in Crime No.32 of 2005, for the offences punishable under Section 307 of the Indian Penal Code, Section 5 of Explosive Substances Act and Section 8

(1) of the A.P. Public Security Act, of the Karampudi Police Station and thereafter produced him before the II Additional Munsif Magistrate, Gurazala at 9.40 am on the same day. On the direction of the learned Magistrate, he was produced on the next working day i.e. on 23.04.2005 at 10.30 am and he was remanded to judicial custody and lodged in Sub-Jail, Gurazala.

In the light of the averments above, the Writ Petition is dismissed.

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(GODA RAGHURAM, J)

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(G.YETHIRAJULU, J)

3rd May 2005

RRB

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Copy To:

1. The Circle Inspector of Police, Special Party Police, Guntur, Guntur District.
2. The Superintendent of Police, Guntur District at Guntur.
3. The Superintendent, Sub-Jail, Gurazala.

4. Two CCs to the Advocate General, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.